

Serial No.: 08/796,040

Atty. Docket No.: 10496/P58126US1

- H1 (concl'd)*
- 98.** The process of claim 97, wherein the aqueous alcoholic solution includes from 1 to 7 M sodium perchlorate, from 1 to 7 M guanidine-HCl, from 1 to 5 M sodium chloride, from 1 to 6 M sodium iodide, and 1 M sodium chloride [/] in 20% ethanol, propanol, isopropanol, butanol, poly(ethylene glycol), or [a] mixture thereof.
- 99.** The process of claim 82, wherein the eluant is a buffer solution that comprises water and Tris at a pH value of from 5 to 9.
- 100.** The process of claim 82, whereby the nucleic acids are plasmid or genomic DNA.

#### REMARKS

The claims presented are 82-100.

New claims 82-88 correspond to canceled claims 62-68, respectively, and new claims 89-100 correspond to canceled claims 70-81, respectively.

The new claims are the same as the canceled claims; new claims are submitted because it would have been problematic to rewrite the canceled claims, using brackets and underlining, to correct the renumbering errors that occurred in the previously submitted amendment. For the convenience of the examiner, attached hereto as an appendix are the incorrectly numbered claims as they appeared in the previously

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submitted amendment, with the correct claim number, underlined, next to the incorrect number, appearing in brackets.

As mentioned, above, the new claims are the same as the canceled claims; therefore, no new issues are raised by the instant amendment. Nothing requiring further search or consideration by the examiner is necessitated by the instant amendment; except, that is, to the extent the issues presented on appeal are reduced, as discussed further, below. The instant amendment operates, solely, to reflect the correct numbering of the claims as amended pursuant to the amendment previously submitted.

The instant amendment reduces the number of issues presented on appeal. The previously submitted amendment contained changes to the claims, by which language considered indefinite by the examiner was deleted. Apparently, because of the incorrect claim numbering, the subsequent examiner's action did not reflect that the language considered indefinite had been deleted. By effecting the correct numbering of the claims as previously amended, the instant amendment resolves these issues of alleged indefinite claim language are resolved, thereby, reducing the issues before the board on appeal.

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The errors in claim numbering appearing in the previously submitted amendment are, sincerely, regretted. The undersigned wishes to apologize to the examiner for any resulting inconvenience.

The instant amendment was originally intended for filing, concurrently, with Applicant's Appeal Brief. Although not filed concurrently with the appeal brief, the examiner is respectfully requested to enter the instant amendment, nonetheless.

Favorable action commensurate with the foregoing is requested.

Respectfully submitted,

JACOBSON, PRICE, HOLMAN & STERN, PLLC

By: William E. Player  
William E. Player  
Reg. No. 31,409

The Jenifer Building  
400 Seventh Street, NW  
Washington, D.C. 20004-2201  
Telephone: (202) 638-6666  
Atty. Docket: P58126US1  
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WEP/dlb

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## APPENDIX

- [63] 64.** (Amended) The process according to claim 62, [wherein] further comprising the step of, prior to the digesting step, subjecting the cells [are subjected] to centrifugation or filtration in order to remove undissolved components.
- [64] 65.** (Amended) The process according to claim 62 further comprising, between the steps a) and b), one or more washing steps [using] by applying a fourth buffer solution, which has a low ionic strength, optionally increasing ionic strength per washing step.
- [65] 66.** (Amended) The process according to claim 62 further comprising, between the steps c) and d), one or more washing steps [using] **by applying** a fifth buffer solution, which has an ionic strength higher than the first buffer solution.
- [66] 67.** (Amended) The process according to claim 62 further comprising, between the steps c) and d), at least one washing step [using] **by applying** an aqueous alcoholic solution.
- [67] 68.** (Amended) The process according to claim 62 further comprising, between the steps c) and d), a washing step [using] **by applying** a solution having an ionic strength corresponding to a 1.5 molar sodium perchlorate solution and a pH of 5.

- [68] 70.** (Amended) The process according to claim 62, wherein the isolated and purified nucleic acid [comprises] ~~has~~ from 10 nucleotides to 200,000 nucleotides.
- [70] 71.** (Amended) The process according to claim 62, wherein the mineral support material is silica gel, glass, zeolite, aluminum oxide, titanium dioxide, zirconium dioxide, kaolin, or diatomacae[, or a combination thereof].
- [71] 72.** (Amended) The process according to claim 62, wherein the anion exchanger [includes] ~~has~~ a porous or non-porous matrix having a particle size of from 1 to 250  $\mu\text{m}$ .
- [72] 73.** (Amended) The process according to claim 62, wherein the anion exchanger [includes] ~~has~~ a porous or non-porous matrix having a particle size of from 10 to 30  $\mu\text{m}$ .
- [73] 79.** (Amended) The process of claim 67, wherein the aqueous alcoholic solution includes from 1 to 7 M sodium perchlorate, from 1 to 7 M guanidine-HCl, from 1 to 5 M sodium chloride, from 1 to 6 M sodium iodide, and 1 M sodium chloride ~~[i]~~ in 20% ethanol, propanol, isopropanol, butanol, poly(ethylene glycol), or ~~[a]~~ mixture thereof.

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